

RLA Comments by Benny White at the February 17<sup>th</sup> EIC Meeting Call to the Public:

- An RLA is not designed to verify machine or election system correct tabulation or to discover machine malfunction
  - The sole purpose of an RLA is to determine that the announced winner of a contest actually won
    - An RLA is useful when the winner is not in doubt because the margin of victory is large and the number of ballots to be reviewed is small
    - An RLA is not useful when the election results are very close between two candidates because that will require all or most of the ballots to be included in the review
  - The -602 audit we currently conduct is inadequate in that it does not inspect a proportionate number of Early Ballots and inspects too small a number of machines
    - Originated due to machine malfunction in LD 20 race many years ago and was designed to detect machine malfunction, primarily, and to audit results secondarily
    - Adequacy of -602 process is enhanced by statewide audits by individual counties and by election after election demonstration that machines count correctly
      - Some Arizona counties do not conduct -602 audits due to non-participation by political parties
        - These same counties would probably not conduct RLA's
- An RLA requires that all ballots complete tabulation because statistical assumptions require that all cast ballots be available for inspection
  - Current -602 is required to be complete on the Saturday after the election (3 days)
    - In the Primary elections canvass is required to be completed by Tuesday following the election
      - During numerous Primary elections the complete populations of ballots is not completed before the Monday prior to the canvass on Tuesday
    - In the General elections canvass is required to be completed by ten business days after the election (2 weeks in most instances)
      - Instances in both Pima County and Maricopa County where tabulation of all ballots not complete until just before the canvass deadline
    - There is inadequate time available between the complete tabulation of all ballots in both the Primary and General election instances for a separate RLA which might take several days to be conducted prior to the canvass deadline
- Recounts and RLA expansion to a full jurisdiction review of ballots are very different processes
  - A recount can occur automatically due to a small margin difference between two candidates or proposition results. It can also be brought about by a candidate challenge to the election processes and a court order.
    - Ballots are secured from other processes until the recount(s) are completed
    - A recount requires a second tabulation of all ballots involved in the contest
    - Litigants in a recount will examine ballots and will disrupt the numerical sequencing of ballot storage that is required for retrieval of ballots in an RLA, i.e., this would make it extremely difficult if not impossible to locate RLA inspection ballots in a timely manner
  - A contest could be filed at any time and must be filed no later than five days after the canvass of the election.

- Ballots are secured until the contest is resolved further reducing the time available to conduct the RLA and compliance with the canvass deadline
  - An RLA with a very close, but not within the automatic recount provisions, would require an inspection of every ballot in the jurisdiction and a comparison with the CVR and possibly the ballot image
    - This is very different and much more time consuming a retabulation of the ballots in a recount
- RLA's have been evaluated and rejected by other jurisdictions
  - Maryland, Florida, California
  - Primary objection is that it is impossible to predict the logistical requirements to conduct the RLA in a timely manner
  - Election departments must budget for personnel, buildings, and expenses a year in advance in most cases
  - Budgeting for worst case RLA scenarios would cause a waste of taxpayer dollars in situations where worst case did not occur
  - RLAs require prioritization of the audit over everything else for understaffed election official staffs
    - Everything else it put on hold until RLA is complete and there are a lot of other election related duties that have to be completed within strict time limits
- Statewide agreement will be extremely difficult in Arizona
  - All county compliance with RLA would be required for a statewide office or statewide proposition
  - Multiple county compliance and coordination would be required where jurisdiction extended across county lines
  - Different types of election systems used in different counties
    - Some generate ballot images, some do not
    - Ballot image quality and usefulness for image to CVR comparison varies between systems
  - Small county election departments are not staffed with extra personnel to support RLA
- Ballot image generation and usefulness to support RLA is not consistent across the jurisdictions